

JP:RTP

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(21 U.S.C. § 846)

RODOLFO FRANCISCO MCFARLANE
and ANDREW JOHN PARKER,

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

DMITRIY IOFFE, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about December 23, 2013, within the Eastern District of New York and elsewhere, the defendants RODOLFO FRANCISCO MCFARLANE and ANDREW JOHN PARKER, together with others, did knowingly and intentionally conspire to possess with intent to distribute a substance containing methylone, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI") and have been involved in the investigation of numerous cases involving narcotics trafficking. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about December 20, 2013, an Express Mail Service parcel sent from Hong Kong, China, addressed to Rudy McFarlane at an address in Valley Stream, New York (the "McFarlane address") arrived at the United States Postal Service ("USPS") mail facility at John F. Kennedy International Airport ("JFK") in Queens, New York (the "Subject Package"). United States Custom and Border Protection ("CBP") officers conducted an enforcement examination of the package, searched the box and recovered approximately 1,011 grams of methylone.²

3. On December 23, 2013, HSI agents made a controlled delivery of the Subject Package to the McFarlane address. At approximately 4:44 p.m., an undercover U.S. Postal Service Inspector knocked on the door of the McFarlane address, and a woman answered the door. The undercover Postal Inspector asked for "Rudy McFarlane," and defendant

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware. All conversations summarized in this complaint are related in sum and substance and in part.

² Methylone is an analogue of ecstasy that has been a Schedule I controlled substance since October 21, 2011 and is commonly referred to as "molly."

RODOLFO FRANCISCO MCFARLANE came out of the house, walked to the undercover Postal Inspector's car and signed a postal slip, accepting delivery of the Subject Package. Defendant MCFARLANE was arrested.

4. Thereafter, defendant MCFARLANE was read his Miranda rights and agreed to waive them and speak with agents without an attorney present. Defendant MCFARLANE stated, in sum and substance and in part, that he received the Subject Package for defendant ANDREW JOHN PARKER and that he has accepted packages him before in exchange for money and marijuana. Defendant MCFARLANE further stated, in sum and substance and in part, that he believed that some of the packages that he accepted for defendant PARKER contained marijuana. Defendant MCFARLANE agreed to cooperate with agents and made a series of consensually monitored telephone calls to defendant PARKER. During those calls, defendant PARKER stated, in sum and substance and in part, that he would come to pick up the package. Defendant MCFARLANE asked defendant PARKER about getting paid and defendant PARKER replied, in sum and substance and in part, "when don't I pay you."

5. At approximately 5:45 p.m., defendant PARKER arrived by car to defendant MCFARLANE's house. Defendant MCFARLANE came out of his house carrying the Subject Package, got into defendant PARKER's car and gave the Subject Package to defendant PARKER. Defendant PARKER attempted to hand approximately \$30 to defendant MCFARLANE, but agents approached the car and arrested defendant PARKER. Approximately \$30 was recovered from the driver's seat.

WHEREFORE, your deponent respectfully requests that defendants RODOLFO FRANCISCO MCFARLANE and ANDREW JOHN PARKER, be dealt with according to law.


DMITRIY IOFFE
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
24th day of December, 2013.

THE HONORABLE VIKTOR V. POHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK